

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CARL EDWARD SMITH,

Petitioner,

File No: 2:07-CV-203

v.

HON. ROBERT HOLMES BELL

LINDA METRISH,

Respondent.

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**MEMORANDUM OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

This matter is before the Court on a habeas corpus petition filed pursuant to 28 U.S.C. § 2254 by Petitioner Carl Edward Smith. On June 9, 2010, the Magistrate Judge issued a Report and Recommendation (“R&R”), recommending that this Court deny the petition. (Dkt. No. 16.) The R&R was mailed to Petitioner on that date at the address provided by Petitioner. On June 21, 2010, Petitioner’s copy of the R&R was returned to the Court marked Paroled or Discharged. (Dkt. No. 17.)

Although Petitioner’s copy of the R&R was returned, Petitioner was properly served. Under Rule 5(b)(2)(C) of the Federal Rules of Civil Procedure, “[a] paper is served under this rule by . . . mailing it to the person’s last known address—in which event service is complete upon mailing.” In this District, parties seeking relief are under an obligation to keep the Court apprised of their current address. *See* W.D. Mich. LCivR 41.1.

Objections to R&Rs must be filed with the Clerk of the Court within fourteen (14) days of being served with the R&R. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Under Rule 6(d) of the Federal Rules of Civil Procedure, the period to file objections must be extended by three (3) days if a party is served under Rule 5(b)(2)(C). Under these rules, the Court finds that the R&R was duly served on the parties, that no objections have been filed, and that the deadline for doing so has long expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS HEREBY ORDERED that the June 9, 2010, R&R of the Magistrate Judge is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus (Dkt. No. 1) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: September 15, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE